

Exhibit 4

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TRIAL EXHIBIT 139

CASE NO. 3:17-CV-06748-WHO

DATE ENTERED _____

BY _____

DEPUTY CLERK

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

DEMETRIC DI-AZ, OWEN DIAZ, and
LAMAR PATTERSON,

Plaintiffs,

v.

TESLA, INC. dba TESLA MOTORS, INC.;
CITISTAFF SOLUTIONS, INC.; WEST
VALLEY STAFFING GROUP;
CHARTWELL STAFFING SERVICES, INC.;
and DOES 1-50, inclusive,

Defendants.

Case No. 3:17-cv-06748-WHO

**DESIGNATION OF TESTIMONY
PRESENTED BY VIDEO OF ANNALISA
HEISEN**

Trial Date: September 24, 2021
Complaint filed: October 16, 2017

To ensure a complete record, Plaintiff Owen Diaz provides the following deposition testimony from Annalisa Heisen which was presented by video to the jury on October 1, 2021.

Marconi, Erin 05/29/2019, Volume 1

#	Lines	Deposition Excerpt
1.	8:10-12	10 MR. ORGAN: Q. Good morning. Could you 11 please state your full name for the record. 12 A. Annalisa Heisen.
2.	8:15-19	15 Q. Okay. And what's your--you currently work 16 for Tesla; is that right? 17 A. Correct. 18 Q. What's your current position there? 19 A. I'm a senior employee relations partner.
3.	26:7-27:6	7 Q. Okay. And is it true that Tesla human 8 resources will investigate any claim of discrimination 9 or harassment that is brought to its attention 10 relative to conduct at the factory? 11 A. We have a standard that an investigation will 12 be conducted. Whether a Tesla HR partner conducts 13 that or otherwise, depends case to case. 14 Q. What are the factors as to determining 15 whether a Tesla HR partner will conduct the 16 investigation or not? 17 A. One factor would be who's involved, who 18 complained. 19 Q. And why does that matter? 20 A. We have different employment statuses for 21 individuals on-site. 22 Q. What are the different employment statuses 23 for individuals who work at the Fremont factory? 24 A. I don't have an exhaustive list of types of 25 roles. 1 Q. What are the ones you remember? 2 A. General direct-hire employees, contractors, 3 temporary employees. 4 Q. Any other categories you can think of? 5 A. We occasionally have vendors visit the 6 property.
4.	26:22- 27:03	22 Q: What are the different employment statuses 23 for individuals who work at the Fremont factory 24 A: I don't have an exhaustive list of types of 25 roles. 1 Q: What are the ones you remember? 2 A: General direct-hire employees, contractors, 3 temporary employees

5.	28:4-15	<p>4 Q. But in terms of a different classification of 5 production associate, in terms of job duties, you're 6 not aware of any specific differences between the job 7 duties of production associates who are general direct 8 hires, versus contractors; is that correct? 9 A. I'm not aware of specific differences in that 10 production associate role. 11 Q. And the production associates work throughout 12 the factory; is that correct, throughout the Fremont 13 factory? 14 A. They work in different departments, different 15 areas in the factory, under that same title.</p>
6.	27:21-28:3	<p>21 Q. In terms of the job duties that -- for 22 production associates who are contractors versus 23 general direct-hire employees, is there a functional 24 difference between what those different employees do, 25 the contractors versus the general direct hires who 1 are production associates? 2 A. I would assume that that varies between 3 departments.</p>
7.	29:9-18	<p>9 Q. How about this: In terms of Tesla's policies 10 on discrimination or harassment, those policies apply 11 to ever worker in the factory; correct? 12 A. We have an expectation that everyone working 13 in that factory location are meeting those standards 14 of that policy. 15 Q. Okay. And that's true whether an employee is 16 a general direct-hire employee or whether they're a 17 contractor or a vendor; correct? 18 A. Correct. The expectation is the same.</p>
8.	33:4-8	<p>4 Q. Well, you understand that you're testifying 5 today as the person most knowledgeable on the policies 6 and procedures related to race harassment in effect 7 from 2014 to present; right? You understand that? 8 A. Correct.</p>
9.	31:5-12; 31:15-16	<p>5 Q. You would agree that under the policies that 6 Tesla has, the antidiscrimination policies, that every 7 employee has a duty to try and prevent harassment 8 based on race from occurring; right? 9 A. Yeah, the policy states as much. 10 Q. And similarly, pursuant to Tesla's policies, 11 every contractor employee has a duty to prevent 12 harassment based on race from occurring; right?</p> <p>15 THE WITNESS: Yes, the expectation is the 16 same.</p>

10.	53:4-13	<p>4 Q. In terms of "stupid stuff," that part of</p> <p>5 Exhibit 5, that applies to all employees, whether</p> <p>6 they're regular employees or contractors, right, at</p> <p>7 the Tesla factory?</p> <p>8 A. My understanding is that there's an</p> <p>9 expectation that both contractors and employees would</p> <p>10 adhere to it.</p> <p>11 Q. Would adhere to that part of the policy;</p> <p>12 correct?</p> <p>13 A. Correct.</p>
11.	72:3-7; 73:10-14; 73:16-18	<p>3 MR. ORGAN: Q. Okay. Let's go through</p> <p>4 Exhibit 150.</p> <p>5 Now, as to this policy, the antiharassment</p> <p>6 and discrimination policy, this policy would apply to</p> <p>7 all workers at the Tesla factory; correct?</p> <p>10 THE WITNESS: There's an expectation that</p> <p>11 employees at Tesla as well as contractors and other</p> <p>12 people on-site are in compliance with the policy.</p> <p>13 MR. ORGAN: Q. So Exhibit 150 does apply to</p> <p>14 both contractors and regular employees, then; right?</p> <p>16 THE WITNESS: There's an expectation that</p> <p>17 both of those categories of workers would be in</p> <p>18 compliance with those articulated.</p>
12.	87:9-88:5	<p>9 Q. In terms of the training, we talked a little</p> <p>10 bit about training before we broke for lunch, but in</p> <p>11 terms of training of Tesla's contract workers, is</p> <p>12 there any specific training that Tesla does with the</p> <p>13 contract workers to inform them of Tesla's</p> <p>14 antiharassment or discrimination policy?</p> <p>15 A. My understanding is that --so agencies will</p> <p>16 do their own new-hire orientation for their</p> <p>17 contractors or employees, and then contractors will go</p> <p>18 through something that Tesla has called "Manufacturing</p> <p>19 Essentials," and in that, my understanding is that</p> <p>20 they cover Tesla's antiharassment and discrimination</p> <p>21 policy.</p> <p>22 Q. Okay. So if I have this right, Tesla's</p> <p>23 antiharassment and discrimination policies are covered</p> <p>24 in a training session entitled "Manufacturing</p> <p>25 Essentials"; is that correct?</p> <p>1 A. That's my understanding.</p> <p>2 Q. How long does the Manufacturing Essentials</p> <p>3 training last?</p> <p>4 A. Overall, I believe it's two days, covering a</p> <p>5 wide variety of topics. The policy is one of them.</p>

13.	75:17-76:3; 76:8-17	<p>17 MR ORGAN: Q. What steps does Tesla take to</p> <p>18 ensure that contractors who come into and work in the</p> <p>19 Tesla factory in Fremont have training relative to the</p> <p>20 topic of antiharassment and discrimination?</p> <p>21 A. We have an expectation that agencies are</p> <p>22 training on antiharassment and discrimination.</p> <p>23 Q. And what is that expectation based on?</p> <p>24 A. That they're legally compliant.</p> <p>25 Q. In terms of Tesla's expectation, is there an</p> <p>1 expectation that contract employees who work at the</p> <p>2 Fremont factory are trained on Tesla's antiharassment</p> <p>3 and discrimination policies or their equivalent?</p> <p>8 THE WITNESS: What do you mean by</p> <p>9 "equivalent"?</p> <p>10 MR ORGAN: Q. Well, Tesla doesn't provide a</p> <p>11 copy of its antiharassment and discrimination policy</p> <p>12 to contract workers; is that true?</p> <p>13 A. It is available to contract workers.</p> <p>14 Q. So contract workers have access to Tesla's</p> <p>15 antiharassment and discrimination policy; is that</p> <p>16 right?</p> <p>17 A. That is correct.</p>
14.	76:18-22	<p>18 Q. And so at least in terms of Tesla's</p> <p>19 expectations, Tesla's expectations are that even</p> <p>20 contract workers should be aware of Tesla's</p> <p>21 antiharassment and discrimination policy; correct?</p> <p>22 A. That's my understanding.</p>
15.	77:7-17	<p>7 "QUESTION: And in terms of -- there are some</p> <p>8 reporting and investigation procedures in Exhibit 150,</p> <p>9 if you look down at the bottom of the page, and then</p> <p>10 over to the second page of Exhibit 150. Those</p> <p>11 reporting and/or investigation principles would still</p> <p>12 apply to employees who are contractors working at the</p> <p>13 Tesla factory; correct?")</p> <p>14 THE WITNESS: I don't have visibility into</p> <p>15 what the agencies advise their contractors, as far as</p> <p>16 reporting is concerned. Those guidelines may be</p> <p>17 different, agency to agency.</p>
16.	78:11-15	<p>11 Q. And so that employee of Tesla would have to</p> <p>12 then take some action once they get information about</p> <p>13 discrimination or harassment in the workplace;</p> <p>14 correct?</p> <p>15 A. That's the expectation.</p>

17.	79:7-15	<p>7 Q. So if a Tesla employee gets information about 8 harassing conduct based on race in the factory, that's 9 occurring in the factory, regardless of how they get 10 that information, they then have a reporting duty, in 11 terms of either providing that information to a 12 higher-level manager or sending it to HR; is that 13 true? 14 A. There's an expectation of that, as it's 15 articulated in the policy.</p>
18.	81:6- 81:12	<p>6 Q. Any information relative to a complaint of 7 harassment based on race at the Tesla factory, that's 8 investigated by HR, Tesla's HR, if it's brought to 9 Tesla HR attention; correct? 10 A. It depends. 11 Q. What does it depend on? 12 A. Who's involved in the complaint.</p>
19.	81:14-16; 81:19-21:	<p>14 So what if you have a complaint that involves 15 different contractors at the factory, how would you go 16 about investigating that? 19 THE WITNESS: It's case by case, given what 20 information is presented in the complaint and who's 21 involved.</p>
20.	82:13-20	<p>13 Q. Tesla has an obligation to the people who 14 work at the Fremont factory to ensure that they are in 15 a workplace free from harassment based on race; right? 16 A. Correct. 17 Q. And that's regardless of whether the person 18 working there is an employee or a contractor, right, 19 that obligation?</p>
21.	82:21-25; 83:3-6	<p>21 Q. So in terms of ensuring that workers at the 22 Tesla factory are not subject to harassment based on 23 race, how does Tesla's HR department ensure that that 24 is the case, if they are delegating investigation 25 processes to non-Tesla employees? 3 THE WITNESS: There's still an expectation 4 that these types of concerns that are brought forward 5 will be investigated, but it depends case by case as 6 to how that's approached.</p>
22.	83:19-21; 83:24-25	<p>19 Q. There are no written procedures that Tesla 20 has for coordinating investigations of allegations of 21 harassment based on race? 24 THE WITNESS: Not that outline step by step 25 for each of these cases.</p>

23.	83:11-18	<p>11 Q. In terms of Tesla's efforts to ensure that it</p> <p>12 has a workplace free from harassment based on race,</p> <p>13 are there any kind of procedures that Tesla has</p> <p>14 adopted for coordinating investigations into</p> <p>15 allegations of harassment based on race?</p> <p>16 A. It depends on the case. It varies widely.</p> <p>17 There's not one fixed method that we address that</p> <p>18 with.</p>
24.	85:10-21	<p>10 Q. How does Tesla ensure that Tesla employees</p> <p>11 working at the Tesla factory are protected against</p> <p>12 harassing conduct by contractors who are also working</p> <p>13 at the Fremont factory?</p> <p>14 A. When the concern is brought about a</p> <p>15 contractor's behavior?</p> <p>16 Q. Yes.</p> <p>17 A. If we're informed and made aware of the</p> <p>18 issue -- depends on the specific circumstances -- we</p> <p>19 would either ourselves follow up and collaborating</p> <p>20 with them. There are circumstances that might fall</p> <p>21 outside of that. It depends, but that's one way.</p>
25.	86:7-11; 86:14-20	<p>7 MR ORGAN: Q. And what about in the</p> <p>8 situation where the -- assume that the harasser is a</p> <p>9 supervisor working for a contract agency, harassing</p> <p>10 another contract employee at the Tesla factory.</p> <p>11 What's Tesla's role relative to that?</p> <p>14 THE WITNESS: So effectively, if both parties</p> <p>15 are contractors, if they're either from the same</p> <p>16 agency or separate agencies, whichever agency</p> <p>17 representative would need to be looped in, you know,</p> <p>18 during that process, Tesla would contact them, and</p> <p>19 they would collaborate with them to determine what</p> <p>20 next steps needed to be taken for investigation.</p>

1	26.	101:5-22	5 MR. ORGAN: Q. I'm going to show you what's 6 going — this will be 153. 7 Exhibit 153, for the record, is a 8 multiple-page document Bates-stamped Tesla 863 through 9 878. And it appears to be some training relative to 10 Ramon Martinez. 11 Have you seen this document before? 12 A. Yes, I believe so. 13 Q. And this shows - if you look at Tesla 867, 14 this shows "I agree" references to some Tesla 15 policies; correct? 16 A. Correct. 17 Q. Would this indicate to you that Mr. Martinez 18 was on-boarded as an employee sometime on or after 19 April 20th of 2017? 20 A. I would say that it's possible, based on 21 these documents, that he was on-boarded as a Tesla 22 direct employee.
12	27.	111:5-9; 111:12-14; 111:18- 112:2; 112:4-7	P.111 5. Q. And then Mr. Owen Diaz also says ... he said 6 "It's not the first time that Ramon Martinez has" — I 7 think "has been talked about his behavior," "has been 8 talked to about his behavior." 9 Is that your understanding? 12 MR. ORGAN: Q. You understood that Mr. Diaz 13 was complaining that the behavior towards Mr. Diaz was 14 getting worse; right? 18 THE WITNESS: He makes the statement here 19 towards the end of the document. Owen alleges that 20 his behavior is getting worse. 21 MR. ORGAN: Q. "His behavior," being 22 Mr. Martinez, is getting worse. 23 A. Yeah, yeah, Martinez. 24 Q. That is all something you would have 25 expected, the Tesla HR person who got involved, to P. 112 1 take into account when looking into Mr. Diaz's 2 complaint; correct? 4 THE WITNESS: I could say that I would 5 imagine that those items would be taken into account 6 during an investigation, depending on whether it's the 7 Tesla HR person who conducted it or not.

28.	112:8-18	<p>8 MR. ORGAN: Q. What does Tesla do to make</p> <p>9 sure that its contractor organizations do a thorough</p> <p>10 and effective investigation?</p> <p>11 A. In general, when these complaints come to</p> <p>12 Tesla's attention — these complaints being harassment</p> <p>13 and discrimination complaints — if they involve</p> <p>14 contractors, we expect that the Tesla HR person is in</p> <p>15 communication with the agency. So even if they're not</p> <p>16 the ones conducting the investigation, they're making</p> <p>17 sure that the issue is resolved by collaborating with</p> <p>18 the agency.</p>
29.	112:19- 113:3	<p>19 Q. And what is the typical way that Tesla HR</p> <p>20 communicates with the contract agencies?</p> <p>21 A. What do you mean by "way"?</p> <p>22 Q. Like email, is that the typical way --</p> <p>23 A. Email is one way. Phone, in person.</p> <p>24 Q. If there are in-person communications, do HR</p> <p>25 people typically take notes of those interactions with</p> <p>1 the contracting agencies relative to an investigation?</p> <p>2 A. Some may. There's not an articulated</p> <p>3 standard on that. Some do.</p>
30.	114:18- 115:3	<p>P. 114</p> <p>18 Do you know whether or not any diversity</p> <p>19 training took place?</p> <p>20 A. Sorry, at the top of what?</p> <p>21 Q. First page of Exhibit 39. The very top, last</p> <p>22 sentence in the email from Victor Quintero to Wayne</p> <p>23 Jackson.</p> <p>24 A. And what was your question?</p> <p>25 Q. Whether or not you're aware of any diversity</p> <p>P. 115</p> <p>1 training that took place for Ramon Martinez at this</p> <p>2 time in the 2016 time period.</p> <p>3 A. At this time, I'm not sure.</p>
31.	120:2-4	<p>120:2-4 2 Q. Do you know if anybody else was interviewed,</p> <p>3 other than Ramon Martinez and Owen Diaz?</p> <p>4 A. I'm not aware of any additional interviews.</p>
32.	122:12-21	<p>12 Q. But in terms of, let's say, with respect to</p> <p>13 Mr. Diaz, if you go back to his complaint email, which</p> <p>14 is in Exhibit 39, he references additional behavior or</p> <p>15 other behavior by Ramon Martinez; right?</p> <p>16 A. Correct.</p> <p>17 Q. So certainly, a thorough investigation would</p> <p>18 want to look into what he meant by what additional</p> <p>19 behavior he's complaining about; right?</p> <p>20 A. That's a question — or a line of questioning</p> <p>21 that you might ask.</p>

33.	131:6-8	6 Q. Judy Timbreza, was that a Tesla employee, or 7 was Judy Timbreza a contract employee? 8 A. A contract employee.
34.	132:11-14	11 Q. And does Tesla provide its managers with 12 training on how to conduct an investigation into 13 complaints of race harassment? 14 A. Not a standardized training.
35.	148:5-16	5 And similarly, if a contract employee who's 6 working at the Tesla factory wanted to complain about 7 harassing conduct, they could also complain to their 8 lead supervisor manager or HR; is that true? 9 A. The staffing agencies' HR and other people 10 employed through there, they would be able to speak 11 with them or Tesla staff, or the agency. 12 Q. Actually, a contract employee has more 13 avenues to complain, because they can complain either 14 to their own staffing agency or to Tesla supervisors, 15 managers, or HR people; true? 16 A. That's correct.
36.	148:17-23	17 Q. Now, in terms of steps that Tesla has taken 18 to prevent the use of the "N" word at the Fremont 19 factory, are you aware of any steps that Tesla has 20 taken specifically to address that term? 21 MS. JENG: Objection; lacks foundation. 22 THE WITNESS: Not solely for the purpose of 23 addressing that term.
37.	155:5-13	5 Q. And certainly, use of the "N" word in any 6 form would violate Tesla's antiharassment policy; 7 right? 8 A. If it was found to be substantiated, then it 9 would potentially violate the policy, yes. 10 Q. Can you think of an instance where use of the 11 "N" word in the Tesla factory would not violate 12 Tesla's antiharassment policy? 13 A. Not specifically, no.

38.	150:21- 151:5; 151:8-9	<p>21 MR ORGAN: Q. When you say Tesla takes</p> <p>22 allegations of use of the "N" word seriously, what do</p> <p>23 you mean by that?</p> <p>24 A. That if that allegation was substantiated, I</p> <p>25 don't see a circumstance where we wouldn't follow up</p> <p>1 on that with disciplinary action.</p> <p>2 Q. And if someone were to have used the "N"</p> <p>3 word, or there was evidence that showed that someone</p> <p>4 had used the "N" word in the workplace, that would be</p> <p>5 a basis for immediate termination; is that true?</p> <p>8 THE WITNESS: That's one potential outcome,</p> <p>9 yes.</p>
39.	99:11-21	<p>11 MR ORGAN: Q. And what steps, if any, did</p> <p>12 Tesla take to ensure that supervisors who were working</p> <p>13 at the Fremont factory, who were not regular Tesla</p> <p>14 employees but were contractors, that they received</p> <p>15 adequate training on the issue of harassment?</p> <p>16 A. There's an expectation that Tesla has for</p> <p>17 agencies. I mean, it's a legal compliance issue, as</p> <p>18 far as making sure that these courses are being</p> <p>19 administered, so we would expect that agencies, for</p> <p>20 their employees, would be conducting a similar type</p> <p>21 of, if not the same training.</p>

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